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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA GENERAL ENERGY COMPANY, LLC,)	
)	Civil Action No. 20-cv-351 ERIE
<i>Plaintiff,</i>)	
v.)	District Judge Susan Paradise Baxter
GRANT TOWNSHIP OF INDIANA COUNTY AND THE GRANT TOWNSHIP BOARD OF SUPERVISORS,)	
)	
<i>Defendants.</i>)	

SUPPLEMENTAL RESPONSE AND NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully submit this Supplemental Response and Notice of Supplemental Authority in support of their Response to Plaintiff's Motion for Reconsideration [Dkt. No. 16], to advise the Court of the following authority and newly obtained information regarding the issues raised in PGE's motion:

1. The order of the Pennsylvania Commonwealth Court is automatically stayed pending Defendants' appeal to the Pennsylvania Supreme Court.

Pursuant to Rule 1736(b) of the Pennsylvania Rules of Civil Procedure, the order of the Pennsylvania Commonwealth Court is automatically stayed pending Defendants' appeal to the Pennsylvania Supreme Court. Rule 1736(b) reads as follows:

Supersedas automatic.—Unless otherwise ordered pursuant to this chapter the taking of an appeal by any party specified in Subdivision (a) of this rule [including "Any political subdivision or any officer thereof, acting in his official capacity"] shall

operate as a supersedeas in favor of such party, which supersedeas shall continue through any proceedings in the United States Supreme Court.

PGE's argument that the Court should reconsider its extension of the stay in the instant proceedings through the pendency of Grant Township's appeal to the Pennsylvania Supreme Court is without merit. The order under appeal is itself stayed; therefore, for reasons of comity and judicial economy, this Court should deny PGE's motion and maintain the stay pending appeal.

2. Recently obtained evidence shows PGE would not be able to operate the Yanity well for at least eight months.

Furthermore, after Defendants responded to PGE's motion, they received information that the well at issue in these proceedings – the Marjorie C. Yanity well in Grant Township – will not be functional until at least May 2023. *See Exhibit A* (PGE Letter).

In the attached letter, Nathan R. Harris, PGE Vice President, Strategic Operations and Development, writes to the Pennsylvania Department of Environmental Protection regarding a “defect” at the Yanity well. *Id.* He states that the company is waiting for a Well Lock Resin from Halliburton and does not know when it will be delivered, and that PGE's tentative plan is to begin the process of remediation of the well in May 2023. *Id.*

The fact that PGE would not be able to begin to remediate, let alone physically operate, the well for at least another eight months provides additional support for Defendants' argument in favor of keeping the stay in place.

In sum, the above relevant information and authority provide further support for Defendants' Response to PGE's Motion for Reconsideration. Defendants respectfully ask the Court to deny PGE's motion and allow the July 21, 2022 Order to remain in effect.

Dated: September 1, 2022

Respectfully submitted,

/s/ Karen L. Hoffmann
Karen L. Hoffmann (PA Bar No. 323622)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Defendants' Supplemental Response and Notice of Supplemental Authority has been served on all counsel of record via the Court's CM/ECF system.

Dated: September 1, 2022

/s/ Karen L. Hoffmann

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EXHIBIT A

PENNSYLVANIA GENERAL ENERGY COMPANY, L.L.C.

120 MARKET STREET
WARREN, PA 16365

TEL: (814) 723-3230
FAX: (814) 723-3502

July 22, 2022

John Crow
Environmental Group Manager
Northwest District Oil and Gas Operations
230 Chestnut Street
Meadville, PA 16335

RE: Marjorie C Yanity Well Response Plan

RECEIVED

JUL 25 2022

Environmental Protection
Northwest Regional Office

Dear Mr. Crow:

The Department's letter of June 27, 2022, requested that PGE submit a comprehensive plan that details the procedures to be used to determine the nature and location of the defect.

Please find attached the following documents to address the Department's request:

- Remediation Procedure
- Well schematic of existing conditions
- Well schematic post remediation
- Information on the Well Lock Resin

Haliburton confirmed that the Well Lock Resin will not be available in 2022. Haliburton stated PGE has been placed on the waiting list and will receive it by the second quarter of 2023. We cannot definitively set a schedule for remediation until Halliburton provides us with line of sight as to the date the Well Lock Resin will be delivered, but tentatively, our plan is to begin the process outlined by May 2023.

Please let me know if you have any questions.

Sincerely,

PENNSYLVANIA GENERAL ENERGY COMPANY, L.L.C.

Nathan R. Harris

By: Nathan R. Harris, Vice President Strategic Operations and Development



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Producing the energy we need.

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